

Dkt. 04000CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: 1616

JACQUES PARIS et al

Examiner: Frank Choi

Serial No. 10/753,073

Filed: January 8, 2004

For: CONTRACEPTIVE METHOD AND COMPOSITION

REQUEST FOR CORRECTED FILING RECEIPT

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants request that the following corrections be made to the Filing Receipt.

1. Parent Application Serial No. 09/284,147 has issued as U.S. Patent No. 6,831,073.

2. U.S. Application Serial No. 09/423,108 is not a 371 of PCT/FR99/02587 and is not a CIP of 09/284,147. U.S. Application Serial No. 09/423,108 was originally filed as a National phase application, but was converted to an application under 35 USC 111(a) filed on October 29, 1999, by a decision of the Office of PCT Legal Administration dated June 2004. A copy of this decision is attached hereto,

together with a copy of the inventors' declaration in that application showing the correct prior application information.

3. U.S. Application Serial 09/423,108 has issued as U.S. Patent No. 6,906,049. The front page of that patent shows incorrect prior application information; a Certificate of Correction containing the correct information was issued August 23, 2005.

Respectfully submitted,

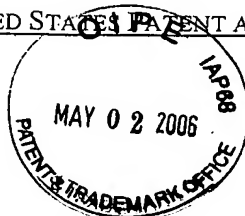


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08 JUN 2004

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MUSERLIAN, LUCAS AND MERCANTI LLP

In re Application of PARIS et al
U.S. Application No.: 09/423,108
PCT Application No.: PCT/FR99/02587
Int. Filing Date: 25 October 1999
Attorney Docket No.: GEI-074

DECISION

For: CONTRACEPTIVE MEDICINE BASED ON
A PROGESTATIONAL AGENT AND AN
OESTROGEN AND PREPARATION
METHOD

This is in response to applicant's "Petition Under 37 CFR § 1.182" filed 04 June 2004.

BACKGROUND

On 25 October 1999, applicant filed international application PCT/FR99/02587, which did not designate the United States.

On 29 October 1999, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US), including the basic national fee required by 35 U.S.C. 371(c)(1).

On 10 September 2001, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 01 June 2001, applicant filed an executed declaration.

On 04 June 2004, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

An international application which did not designate the United States cannot attain national stage entry in the United States.

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Pursuant to 35 U.S.C. 111(a)(4), the filing date of an application shall be the date on which the specification and any required drawing are received in the USPTO. In the present case, the papers submitted on 29 October 1999 contained a specification which did not require any drawings. Thus, the 29 October 1999 submission is entitled to a filing date under 35 U.S.C. 111(a).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision including: (1) applying the submitted fees towards the filing fee for a regular United States application under 35 U.S.C. 111(a) and (2) forwarding the application to the Office of Initial Patent Examination for processing as an application under 35 U.S.C. 111(a) with a filing date of 29 October 1999.



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